



**TELECOMMUNICATIONS  
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May 11, 2017

**BY ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12 Street, SW  
Washington, DC 20554

*Re: In the Matter of Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment, ET Docket No 15-170*

Dear Ms. Dortch,

On May 9, 2017 representatives of the Telecommunications Industry Association (“TIA”),<sup>1</sup> Information Technology Industry Council (ITI)<sup>2</sup>, and Consumer Technology Association (CTA)<sup>3</sup> met with staff from the FCC Office of Engineering & Technology to discuss the above-captioned proceeding. During the meeting, TIA urged the Commission to adopt the policies described in the attached presentation, including increased flexibility in labeling and e-labeling, and flexibility in the approval process for device families. In addition to topics raised in the presentation, TIA now provides further information regarding the issues below.

**E-Labeling of Screen-Enabled Devices**

As stated in previous comments,<sup>4</sup> TIA believes that e-labeling allowances should extend to devices that “rely on a wireless or remote connection and have no display.”<sup>5</sup> Given the ever-shrinking nature of devices such as ANT+ heart rate monitors and pedometers, Apple Earpods and similar Bluetooth audio devices, and LTE broadband USB dongles, on-device labeling is increasingly difficult to print and to

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<sup>1</sup> TIA is a Washington, DC-based trade association and American National Standards Institute (ANSI)-accredited standard developer that represents the global information and communications technology (“ICT”) manufacturer, vendor, and supplier community. TIA represents approximately 250 participating companies producing product and services empowering communications in every industry and market, including healthcare, education, security, public safety, transportation, government, defense, entertainment, and the environment. See <http://tiaonline.org>.

<sup>2</sup> See <https://www.itic.org/about/>.

<sup>3</sup> See <https://www.cta.tech/About.aspx>.

<sup>4</sup> Comments of the Telecommunications Industry Association, filed October 9, 2015 in ET Docket No. 15-170, at 26 (“[TIA Comments](#)”).

<sup>5</sup> *Amendments of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment*, Notice of Proposed Rulemaking, ET Docket No. 15-170, RM-116783 (rel. July 21, 2015) (“[NPRM](#)”) at 102.

read. E-Labeling allowances for these devices provide, in many cases, for greater visibility than a physical label would.

TIA recognizes the challenges inherent in permitting e-labeling on devices that may be too small to lack any identifiable branding, and recommends that the Commission issue only high-level guidelines on the issue, then make use of the FCC's Knowledge Database (KDB) to fine-tune its determinations while still maintaining a high degree of adaptability and flexibility in the rules.<sup>6</sup>

### **Market and Beta Testing Flexibility for Not-Yet-Approved Devices**

Section 2.803(c)(2) of the Commission's rules currently allows *conditional sales contracts* to only manufacturers and wholesalers or retailers,<sup>7</sup> while permitting only *offers of sale* to business, commercial, industrial, scientific or medical users.<sup>8</sup> TIA requests the Commission expand the scope of subsection (ii) to include conditional sales contracts. The use of conditional sales contracts will allow manufacturers to ensure that their devices will have a predictable market to enter upon approval by testing labs, while still shielding purchasers from economic harm in the event a device fails to be approved. TIA and its members feel that the commercial entities to which such devices are marketed under the scope of (c)(2)(ii) are sophisticated enough to sign a conditional sales contract ensuring their performance upon FCC authorization of a radio frequency device.

### **Disclaimer Text on Yet-to-be-Approved Devices**

TIA further requests that the Commission truncate the extensive disclaimer text currently required to be printed on yet-to-be-approved devices.<sup>9</sup> TIA suggests simply: "This device has not been authorized by the FCC." Given the size of many modern electronic devices, printing the existing required text at the requisite size is burdensome for manufacturers, and often confusing and unintelligible for many consumers.

### **Supplier's Declaration of Conformity (SDoC) and Verification**

Finally, TIA supports combining the Commission's proposal to combine the SDoC and verification. However, we suggest that the Commission allow existing verified equipment to continue to use the original product labeling until a product's end of life.

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<sup>6</sup> See TIA Comments at 4.

<sup>7</sup> 47 CFR 2.803(c)(2)(i).

<sup>8</sup> 47 CFR 2.803(c)(2)(ii).

<sup>9</sup> 47 CFR 2.803(c)(2)(iii)(A). Currently, the mandatory language states: "This device has not been authorized as required by the rules of the Federal Communications Commission. This device is not, and may not be, offered for sale or lease, or sold or leased, until authorization is obtained."

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Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed in ECFS. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Dan Henry

Dan Henry  
Senior Manager, Government Affairs  
Telecommunications Industry Association

Enc: List of Meeting Attendees  
Meeting Presentation

Cc: FCC meeting participants (via email)

## List of Meeting Attendees

### FCC Office of Engineering and Technology

Brian Butler  
Bill Hurst (by phone)  
Julius Knapp  
Bruce Romano  
Jim Szeliga (by phone)

### TIA Participants

Dan Henry	TIA
Dileep Srihari	TIA
K.C. Swanson	TIA
Ben Botros	Panasonic (by phone)
Dave Case	Cisco (by phone)
Yuriy Litvinov	3M (by phone)
Roy McClellan	Airbus (by phone)
Thahn Nyguen	Dell (by phone)
Rachel Nemeth	CTA
Emma Rafaelof	ITI
John Roman	Intel